

# FOE

1025 Vermont Ave., NW, Third Floor Washington, DC 20005-4305

U.S. Senator Orrin Hatch  
Chairman  
U.S. Senate Committee on the Judiciary  
Room SD-224 Dirksen SOB  
Washington, D.C. 20510

June 14, 2000

Dear Senator Hatch:

It is our understanding that your Committee plans to conduct a markup session this Thursday, June 15th, on legislation relating to Class Action lawsuits (S. 353, the so-called "Class Action Fairness Act") which would have the effect of federalizing nearly all class action cases and taking them away from the state courts where they are best suited.

Friends of the Earth is opposed to this legislation and any other bills which limit the rights of consumers and environmentalists to team together collectively and efficiently in order to confront polluters and other bad actors who intentionally cause damages to individuals and society (and individuals) -- and then seek to hide their devastating actions and avoid accountability.

Friends of the Earth holds an unshakeable conviction embracing the principle of "the polluter pays". We believe that consumer and environmental causes of action may well be pursued as class actions -- but only when society's interest in determining wrongful conduct will be advanced, when individual litigation would be impractical, and when victims' rights to fair compensation can be protected.

It is wrong to further overburden the federal court system with such class actions -- where they are likely to disappear down a black hole -- instead of keeping them at the state level where consumers and the environment can best be served. Accordingly, Friends of the Earth urges your Committee to take no further action on S. 353 and let it die the peaceful death it so richly deserves.

Sincerely,

Dr. Brent Blackwelder  
President

cc: Senator Patrick Leahy